REMARKS

The following is intended as a full and complete response to the Office Action dated February 10, 2011 having a shortened statutory period for response extended one month and set to expire June 10, 2011. Claims 1-39 are pending in the application. Claims 4 and 23 have been canceled, and new claims 40 and 41 have been added. Claims 1-39 are rejected by the Examiner. The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Claim Objections

Claims 1-39 are objected to because of the typographical error of the term "behaviour." Independent claims 1 and 21 have been amended to recite "behavior". The dependent claims have also been amended to correct the same typographical error. Applicant respectfully requests withdrawal of the objection.

Claim Rejections Under 35 U.S.C. § 101

Claims 21-39 are rejected under 35 U.S.C. § 101 as ineligible subject matter. In response, claim 21 has been amended to recite:

> "...facilitating pursuit of the behavior via a facility in response to verifying an identification device identifying the entity, the identification device required to pursue the behavior;
>
> monitoring actual pursuit of the behavior by the entity;
>
> storing information related to the actual pursuit of the behavior by the entity in a storage device coupled to be in communication with the facility; and
>
> determining a category of behavior of the entity in a modeler module coupled to be in communication with the storage device by comparing at least some of the information related to the actual pursuit of

the behavior by the entity with at least one behavior model describing behavior of a distribution of other entities."

Claim 21 has been amended to positively recite the statutory elements of the system used to implement the method. Hence, method claim 21 is tied to the components constituting the system. Since claim 21 satisfies the § 101 statutory subject matter requirements, so too do claims 22 and 24-39 because of their dependency on claim 21. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-39 are rejected under 35 U.S.C. § 112, sixth paragraph. The Examiner states that claims 1-39 invoke § 112, sixth paragraph, according to the means or step plus function requirement, since the claimed elements "an identification means for identifying the entity" and "a storage means...for storing information related to the pursuit of the behavior by the entity" in claims 1 and 21 are described in terms of their function, not their mechanical structure.

In response, claims 1 and 21 have been amended to recite "an identification device to identify the entity" and "a storage device...to store information related to pursuit of the behavior by the entity". Hence § 112, sixth paragraph is not invoked by claims 1-39. Basis for these amendments is provided in the specification of the present application, for example, on page 14, lines 6-11, which states:

> "The system also comprises identification means 32 to identify a gamer/gambler, which may be in the form of, for example, a card comprising a magnetic strip or an integrated circuit for storing information relating to the gambler. Alternatively, the identification means 32 could be a key ring or other portable device capable of transmitting a signal, such as an RF signal, indicative of information stored in the identification means".

Further, page 15, lines 12-15 of the specification states:

> "a storage means in the form of an integrated circuit (IC) with the unique identifier stored by the magnetic strip".

Hence, the specification of the present application clearly discloses examples of different identification devices and storage devices. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-11, 13-29, and 31-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0031663 to Johnson in view of U.S. Patent Publication No. 2004/0247748 to Bronkema.

Johnson discloses a smartcard for use with a regulated gambling system, the smartcard comprising an electronic clock for determining time periods and an electronic purse to determine monetary amounts. The system of Johnson relies on a pre-determined maximum amount to be wagered per time period, such as each month. The amount is determined by the player, a regulatory body or authority or between the player and the gaming establishment. When limits are reached, further gambling is prohibited. The system is connected to a Safe Gaming System site, where the data is aggregated and central control functions are performed to ensure gaming activities can be monitored and controlled at any time. Johnson discloses tracking transactions of multiple registered users. See Paragraph [0013]. However, Johnson does not teach or suggest "a modeler module coupled to be in communication with the storage device to compare at least some of the stored information based on monitoring actual pursuit of the behavior by the entity with at least one behavior model describing behavior of a distribution of other entities to determine a category of behavior of the entity," as recited in independent claim 1, or "determining a category of behavior of the entity in a modeler module coupled to be in communication with the storage device by comparing at least some of the information related to the actual pursuit of the behavior by the entity with at least one behavior model describing behavior of a distribution of other entities," as recited in independent claim 21.

On page 5 of the Office Action, the Examiner cites paragraph [0011], lines 13-20 of Johnson as *implicitly* disclosing a modeler module comparing the information related to the pursuit of the behavior by the entity with a model describing behavior of a distribution of other entities. The disclosure in paragraph [0011] of Johnson is limited to

a "knowledge base" containing knowledge relating to the individual user, the gambling games and gambling behavior. The "knowledge base" can be used to reveal variances from the norm or established parameters and recognize problems based upon comparison of monitored behavior with the knowledge base. Johnson compares monitored behavior with the knowledge base to determine if there is a problem but does not teach or suggest monitoring the player's actual gambling behavior to determine a category of behavior of the user. Furthermore, on page 10 of the Office Action, the Examiner agrees that Johnson does not explicitly disclose determining a category of behavior of the entity, as recited in independent claims 1 and 21.

In Johnson, with reference to paragraphs [0016] and [0017], the parameters employed to monitor the gambler's activity are dependent upon the information submitted by the user in response to a series of questions. The user has the option to validate the parameters suggested by the system or to choose the relevant parameters that they consider necessary for monitoring their own gambling activity. The user further has a final review of the parameters for approval. Hence, the parameters used by the system to monitor and report on the gambler's activity are determined by the gambler. The system of Johnson thus relies on the gambler's honesty and/or accuracy in responding to the series of questions to determine the parameters. Johnson also relies on the gambler accepting the parameters suggested by the system or the gambler choosing and specifying the parameters they want the system to use to monitor their behavior. Therefore, the system of Johnson monitors the behavior of a user that the user allows the system to monitor.

In contrast, embodiments described in the pending application rely on one or more statistical behavior models to determine from the gambler's actual monitored activity a category of behavior of the entity, which may be, for example, an "at risk gambler" or a "problem gambler". The determination of the category of behavior of the entity does not rely on information provided by the gambler about their gambling activity or their circumstances. Nor does the determination rely on parameters approved or selected by the user to monitor activity. The determination relies on storing information related to the pursuit of the behavior based on monitoring actual pursuit of the behavior by the entity. The stored information is compared against one or more behavior models

describing behavior of a distribution of other entities to determine a category of behavior of the entity. Johnson relies on user input to determine playing parameters for the user which are used by the monitoring software to track the gambling activity and does not monitor the player's actual gambling behavior to determine a category of behavior.

Bronkema discloses a system and method for behavior modification through dynamic identification of behavior patterns, assistance in finding and implementing healthy alternatives to undesirable behavior patterns, preparation of dynamically variable user-specific programs, monitoring of current user activities, and presenting feedback and information to the user. The user may provide information such as gender, age, height, weight, food intake information, mood, psychological data, location, possible thoughts and beliefs, and exercise information. The method may further include continuously monitoring and analysing the user's behavior inferred from data collected and comparing the habitual behavior of a user to a customizable list of possible behavior patterns that indicate a type of behavior. The method can also include creating/updating a package to assist in modifying the user's behavior and continually monitoring the user's progress measured against, for example, a user-specific program from the package. See Paragraphs [0015] and [0087].

While Bronkema discloses a modeler containing possible behavior patterns that indicate a type of behavior, it does not teach or suggest a modeler for comparing at least some of the stored information based on monitoring actual pursuit of the behavior by the entity with at least one behavior model describing behavior of a distribution of other entities to determine a category of behavior of the entity. Rather, the modeler of Bronkema is limited to containing data relating to a behavior type, an effective healthy alternative behavior for the user and variable paths for the user to reach the healthy alternative behavior.

The behavior model recited in independent claims 1 and 21 describes the behavior of a distribution of other entities, which is not taught or suggested by Bronkema. In contrast, the modeler of Bronkema teaches a list of behavior patterns that indicate a type of behavior. The user's behavior patterns are compared to the list of possible behavior patterns to determine a match which will indicate that the user falls within a specific type of behavior. If a match is not obtained, further information or

monitoring is required to determine a type of behavior or create a new type of behavior. However, this is undesirable because such a system is likely to take longer to identify a category of behavior and longer still to deter the user from engaging in the determined behavior. In contrast, one or more behavior models describing behavior of a distribution of other entities provides more information across a broader spectrum to readily and more accurately identify a category of behavior for the user.

For example, as described on page 28, lines 4-7 of the pending specification determining a category of behavior is based on monitoring actual pursuit of the gambling behavior recorded for each respective gambler and is not reliant on the honesty or accuracy of the gambler disclosing their behavior or disclosing details about their personal circumstances such as income or outgoings or the like. Bronkema teaches that the multi-user subsystem is capable of accepting input from the personal subsystem as well as health care providers who, if present, can monitor the activities of one or more users. See Paragraph [0017]. However, this requires that the details are entered accurately by the health care provider.

In contrast, embodiments described in the pending application enable accurate monitoring of the actual pursuit of the behavior, such as gambling, to be recorded in real-time by the facility, such as a gambling machine, as the user is engaging in the behavior by playing the gambling machine.

The system in Bronkema subjects personal input data to habit analysis and assessment to identify any undesired or destructive patterns. A knowledge engine then relates the particular pattern or set of patterns recognized to one or more problems. The system characterizes problems based on pre-selected ranges of user input behavioral data. See Paragraph [0019]. Thus, the teaching of Bronkema is limited to a modeler for comparing personal input data with predetermined behavior models describing one or more problems which are associated with a particular pattern or set of patterns.

In contrast, independent claims 1 and 21 recite a modeler for comparing at least some of the stored information relating to the monitored actual behavior of the entity with a behavior model describing behavior of a distribution of other entities. The modeler may for example determine the appropriateness of the quantity and distribution

of facilities that enable pursuit of behavior such as gambling, consumption of intoxicating substances and the like and provide patterns of "normal' and "abnormal" behavior within a particular jurisdiction at any point in time. Comparison of the behavior of the entity with a behavior model describing behavior of a distribution of other entities enables a more accurate assessment and monitoring of problem behavior that can be utilized to ameliorate the problem behavior.

Based on the foregoing, Johnson in view of Bronkema does not render independent claims 1 and 21 obvious. Applicant respectfully request withdrawal of the rejection and allowance of claims 1 and 21, and claims dependent therefrom.

Claims 12 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Bronkema and further in view of U.S. Patent Publication No. 2003/0003983 to Walker.

Walker discloses an expiring prepaid casino account that can be utilized by a player of a gaming device in a bricks-and-mortar casino or online casino to provide payment for game play at the casino. The expiring prepaid casino account, or the identifier associated therewith, may function as a pointer to a remaining amount of money, time, or number of game plays stored in a database record that expires in predetermined portions over a plurality of defined expiration periods. See Paragraph [0016].

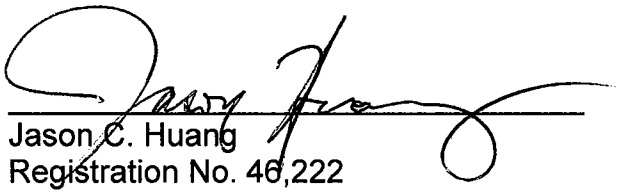
While Walker discloses sending a targeted message to a player via electronic means, SMS, email or verbally, it does not teach or suggest that the targeted message is sent in response to the activation of one or more limits, blocks and/or triggers related to the entity, as recited in claims 12 and 30. Rather, the targeted message of Walker is to notify the player about the impending end of an expiration period to encourage a player to return to a casino during each of the predefined expiration periods. If anything, Walker teaches away from the embodiments described in the pending application because it encourages players to gamble more before expiry of their pre-paid account. In contrast, the limits, blocks and/or triggers are to aid in the accurate determination of irresponsible behavior. Hence, the skilled addressee would not consult Walker in an effort to devise a system and/or method for facilitating responsible

behavior. Moreover, the shortcomings of Johnson and Bronkema both individually and in combination as described above are not compensated for by the disclosure of Walker. Hence, the combination of Johnson, Bronkema and Walker does not render claims 12 and 30, or any other claims, obvious. Applicant respectfully request withdrawal of the rejection and allowance of claims 12 and 30.

Conclusion

Based on the above remarks, Applicant believes that he has overcome all of the rejections set forth in the Office Action dated February 10, 2011, and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,



Jason C. Huang
Registration No. 46,222
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, Texas 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant